



Territorial thinking and the legal framework in cross-border cooperation : the recent situation and fieldwork results in the western alps.

Lauranne Jacob, André Suchet

► To cite this version:

Lauranne Jacob, André Suchet. Territorial thinking and the legal framework in cross-border cooperation : the recent situation and fieldwork results in the western alps.. European Journal of Geography (European Association of Geographers), 2013, 4 (4), pp.21-32. halshs-00961167

HAL Id: halshs-00961167

<https://shs.hal.science/halshs-00961167>

Submitted on 11 Mar 2015

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

TERRITORIAL THINKING AND THE LEGAL FRAMEWORK IN CROSS-BORDER COOPERATION: THE RECENT SITUATION AND FIELDWORK RESULTS IN THE WESTERN ALPS

Lauranne JACOB

University of Grenoble Alps. PACTE Research center. CNRS and CERDHAP.

<http://www.pacte-grenoble.fr/profil-annuaire/709/jacob-lauranne/> laurannejacob@hotmail.fr

University of Geneva, Department of Geography and the Environment

<http://www.unige.ch/ses/geo/collaborateurs.html>

André SUCHET

University of Grenoble Alps. PACTE Research center. CNRS.

<http://www.pacte-grenoble.fr/profil-annuaire/623/suchet-andre/> a.suchet@wanadoo.fr

Abstract

In this article we discuss the following questions: what is the key to cross-border cooperation, particularly in the case of European mountain regions? Does the legal framework represent a starting point for the development of cross-border relations or is it just a simple tool in the service of territorial thinking? If we consider that there is a strong link between cross-border relations and the European project, the above questions also raise the issue of the relative roles of the bottom-up and top-down processes in the dynamics of European integration. Results suggest that the legal framework represents an indispensable tool in the service of territorial thinking but it cannot be a starting point for the development of cross-border relations. The solutions do not only concern the law but also territory; the essential question is how to define the social, political and spatial boundaries of cross-border cooperation.

Keywords: *protected areas, mountain, legal framework, territorial thinking, cross-border cooperation, European integration.*

1. INTRODUCTION

While legal geography is becoming a well recognised branch of geography in the English-speaking world (Blomley, 1994; Blomley, Delaney & Ford, 2001; Holder & Harrison, 2003) and while it is emerging in France in a relatively independent manner (Cavaillé, 2009; Melé, 2009; Maccaglia & Morelle, in press), fieldwork studies that discuss relations between territorial thinking and the legal framework – without epistemological claims – are very rare. However, in the case of borderland studies, it seems essential to reflect on the practical, professional and political relations between these two perspectives (territorial and legal). Therefore, in this article we discuss the following questions: what is the key to cross-border cooperation, particularly in the case of European mountain regions? Does the legal framework

represent a starting point for the development of cross-border relations or is it just a simple tool in the service of territorial thinking?

If we consider that there is a strong link between cross-border relations and the European project¹, the above questions also raise the issue of the relative roles of the bottom-up and top-down processes in the dynamics of European integration. In fact, the European Union (EU) currently represents an institutional framework aiming to organise political, economical and monetary cooperation between its twenty-eight member states within the European Community area, but it also represents a continuous process on several political levels (Laude, 2004; Mabry, McGarry & O'Leary, 2009; Bitsch, 2008). During the last ten years, European cohesion policies (social and economic) were particularly reinforced in the field of territorial cohesion².

While the latest programmes are approaching their end, the future of European cohesion policy has still to be prepared and discussed. The Commission has adopted a draft legislative package, which will frame the cohesion policy for 2014-2020. The fundamental objective of the Europe 2020³ strategy is to rethink the cohesion of the territorial dimension. The third priority⁴ is an integration of cross-border functional regions, promoting polycentric and balanced territorial development and encouraging integrated development in specific regions. The territorial integration in transnational, functional and cross-border regions is only the third priority. It is achieved after the polycentric promotion of unified standards among different policies, the equalisation of territorial development and the integration among neighbouring cities and regions.

Cross-border cooperation plays an important role in the political cohesion of Europe because it contributes to developing relations between transnational territories, which is key to European integration (Dressler-Holohan, 1992; Amilhat-Szary & Fourny, 2006; Denéchère & Vincent-Daviet, 2010). In 2006, in order to overcome the obstacles hindering territorial cooperation, the European Union proposed a legal instrument: the European Grouping of Territorial Cohesion (EGTC). EGTC is a European legal tool designed to facilitate and promote cross-border, transnational and interregional cooperation within Member States and their regional and local authorities. It can implement programmes co-financed by the member states of the European Union (EU) or other cross-border cooperation projects that may or may not have EU funding. It can implement co-financed territorial cooperation projects or administer territorial cooperation programs initiated by Member States.

2. EXAMPLES OF CROSS-BORDER COOPERATION IN MOUNTAIN REGIONS

First of all, mountainous areas play a significant role on a European scale. They occupy 41.3% of European lands (EU-27, Norway, Switzerland, Balkans and Turkey) and are home to 25.4% of European population⁵. If we consider only EU-27, mountains represent 28.7% of landmass and 16.9% of the population. Historically the mountain was the archetype of the natural border such as the watercourses, and used to delimit the state borders between several

¹ Even though the Swiss Confederation is not currently a member, it maintains its close ties with the European Union (for example its participation in the INTERREG programme). And see: DATAR, *La cohésion territoriale en Europe*, Paris, La Documentation française, 2010.

² See: http://ec.europa.eu/regional_policy/what/future/index_en.cfm

³ Communication from the commission, *Europe 2020: A strategy for smart, sustainable and inclusive growth*. Brussels, 3.3.2010 COM (2010) 2020 final. http://ec.europa.eu/europe2020/index_en.htm

⁴ The first and second priorities are promoting polycentric and balanced territorial development, and encouraging integrated development in cities, rural and specific regions to foster synergies and to better exploit local territorial assets.

⁵ Sources: ESPON and University of Geneva, 2012.

states (Debarbieux, 1997; Velasco-Graciet & Bouquet, 2005). These natural and geographical elements have been used to justify political boundaries, which obviously involve human and political decisions.

Furthermore, the questions raised by ‘mountains’ have been treated differently according to the types of states and their territorial spaces. For example in France, a highly centralized country, the mountain has, for a long time, been considered as a marginal space (Gerbaux, 1994; Broggio, 2002). The predominant logic of agriculture priority was based on the average production per unit area. This is described as the “handicap compensation” by the compensator (a French concept that describes the low levels of production in mountainous areas, for instance in agriculture, as a result they are handicapped when compared with more productive lands). In earlier times, the mountain region was an experimental laboratory for decentralization policies in France. In contrast, in the alpine states, like Switzerland or Austria, the importance and role of mountains is very different, because mountains are everywhere. Their politics take into account the relationships between mountains and towns, and encourage their development. Their “mountain politic” is also more global and integrated. This philosophy also predominates at European level (Debarbieux & Rudaz, 2010).

Today, cross-border metropolitan regions are considered laboratories of transnational cooperation, but cross-border mountainous regions are also laboratories themselves (Debarbieux, 2001). There are two reasons for this, firstly, mountain regions are given special recognition, as in article 174 of Lisbon Treaty “Among the regions concerned, particular attention shall be paid to rural areas, areas affected by industrial transition and regions which suffer from severe and permanent natural or demographic handicaps such as the northernmost regions with very low population density and island, cross-border and mountain regions”⁶. Secondly, the European Commission believes that transnational regions are laboratories for European integration. Although these regions are not frequently studied in current literature, they represent specific cases of governance, and the institutionalisation of cross-border cooperation. Finally on another note, the protected areas, mainly located in the mountainous regions, represent a privileged topic of cross-border cooperation (Fall, 2002, 2005; Fourny & Crivelli, 2003).

Mountain borders are characterised by discontinuities that generate challenges for spatial integration. The first difficulty comes from nature, in the form of landscape, slope and climate. Nature creates a disadvantage or “handicap” for mountainous agriculture and for economic development, except for winter sport and tourism. The second challenge is directly linked to the presence of borders, as political and legal limits between two or more sovereign countries. The local population can benefit from tax and law differences between both regimes. These regions are particularly important for the European integration. Furthermore, mountain chains such as the Alps are crossroads of major communication routes due to their position in Europe.

We can also add another discontinuity based on the ways public policies are classified. There are often three categories. The first concerns policies with an explicit spatial dimension. Transportation policy is possibly the best example of this. The second, also the largest, concerns policies with a partial spatial dimension. Examples of this include employment, education, health, and agriculture policies. The last one concerns policies without a spatial dimension. At European level, we can only trade in a “borderless” fashion due to the single market built by the Lisbon European economic and monetary strategy. However, at a cross-border level and in mountain space there are no examples of the latter, because the spatial dimension is always crucial in a mountain context.

⁶ The Lisbon Treaty was signed by the EU member states on 13 December 2007, and entered into force on 1 December 2009.

Integration implies horizontality in public policies is essential (Peters, 1998; Bourgault & Lapierre, 2000), especially in mountains which are peripheral and impacted on by dedicated policies from different areas. For instance, before developing a new training centre, the direct connections between difficulties and problems such as labour pooling and skills training should be evaluated. Such questions are important because training centres have rarely built in mountainous border areas. Border towns need a horizontal partnership with not only their city centres, but also universities in order to build uniform, standard, accredited training for their labour pool.

In addition, European policies and those from some States (France, Italy) deal with mountain issues using a polycentric approach (Cole & Pasquier, 2012). The mountains are considered in a centre-periphery relationship, as they are distributed at the edge of the cities' regional frontiers. Public services, administration, health and universities are normally located in central, city areas. This is despite the fact that the mountains do have some important advantages offering important links between rural areas and urban centres and their different politics.

There is a strong dependency ratio between the city and the mountains as they rely on each other heavily, primarily for economic reasons but also for political relations. Taking the case of the Alps, they are the playground of the cities inhabitants. Mountains are the place of sporting and leisure activities, they improve the quality of life of the urban population. In its 3rd Alpine Report, published in autumn 2007, CIPRA demonstrated that peri-alpine cities were dependent on the energy produced in the mountains. Even though the role mountain agriculture plays is relatively weak, it heavily influences the equilibrium between city centres. Mountain valleys, especially those which are located near cities, also participate in this equilibrium as well. In these locations, the migration of employees from rural to urban areas during the week and *vice-versa* for leisure activities during the weekends has been generally observed. Cross-border cooperation in mountainous areas is also characterised by more abated relationships. The cross-border flows of goods and frontier-workers (border residents) in mountainous regions are small when compared with those observed in cross-border metropolitan regions such as Geneva in the Alps.

For all the above reasons, cross-border cooperation in mountainous regions differs between each metropolitan area, as described by various international geographical, sociological or legal literature.

3. CROSS-BORDER FRAMEWORKS: EUROPEAN FUNDS AND LEGAL TOOLS

In 1980 the European Council agreed the Madrid Convention⁷, whose objective was to promote and facilitate final agreements between regions on opposite sides of borders and also among such local authorities, as the legal foundation of the cross-border cooperation. (Bataillou, 2002; Bages Bechade, 2003; Scott, 2006, 2012; Amilhat-Szary & Fourny, 2006). The Convention provides models of agreements and treaties to be used for cross-border cooperation.

The European Convention on cross-border cooperation was supplemented by three Additional Protocols, subsequently adopted by the Committee of Ministers. These three, mainly legal, instruments have been successively completed by a number of recommendations that have been put in practice in order to reduce obstacles to transnational and inter-territorial

⁷ Madrid convention signed on 21/5/1980, entered into force on 22 December 1981. <http://conventions.coe.int/Treaty/en/Treaties/Html/106.htm>. The first additional Protocol was signed on 9 November 1995 in Strasbourg. The second additional Protocol concerning inter-cooperation was signed on 5 May 1998 in Strasbourg. The third additional Protocol concerning Euroregional Co-operation Groupings (ECGs), was signed on 16 November 2009 in Utrecht but not ratified by Italy.

cooperation between territorial communities or authorities. But the main obstacle to the application of the Madrid Convention has been the lack of information exchange and regulation concerning well-defined legal obligations of each state. Furthermore, states must sign mutual agreements (bi-partisan or tri-partisan) to put the Madrid Convention in place. These are cross-border cooperation conventions based on relations between local authorities (communities, regions, cantons) of the same level in each State that develop and put in practice the legal tools stated in the Karlsruhe agreement⁸.

The first Additional Protocol of 1995 expressly recognises the right of territorial authorities to conclude, in certain circumstances, agreements and create legally registered bodies. The second Additional Protocol of 1998 facilitates cooperation between the authorities of territories that are not directly contiguous. The last Protocol of 2009 establishes rules for the creation of "European Cooperation Groupings" (ECGs) in order for them to have legal status within the scope permitted by local or state laws where the ECG's headquarters are located. But this very important step which would normally result in transnational cooperation cannot be applied, because many states, for instance Italy, have not yet ratified the Protocol. France and Switzerland have ratified it but its application is not yet in place. The governments of Germany, France and Luxembourg signed the Karlsruhe agreement on 23 January 1996. It provides the possibility to create a Local Grouping for Transboundary Cooperation (LGTC), which can bring local communities together. Concerning France and Italy, the cooperation between local authorities of both countries is prescribed by the Rome Agreement signed on 26 November 1993. However, combining the Rome and Karlsruhe agreements is difficult and this had created obstacles to the establishment of a cross border institution possessing legal status for French-Italian-Swiss border (Comte & Levrat, 2006; Jacob, 2011).

For a long time the actors involved have justified the lack of progress in their cross-border cooperation by blaming legal obstacles. From 2006, the EGTC reinforced the existing legal toolbox by virtue of Madrid Convention. The European Union, with the European Grouping for Territorial Cooperation offers new perspectives on the permanent structures of a cooperation establishment to cross-border cooperation. Modifications to the EGTC's regulation by the European Parliament and the Council will simplify the tool and give it more flexibility in the application of its rules.

The number of EGTCs created at the local scale is small when compared to the volume of existing cross-border cooperation. Most EGTCs have been established at regional level (Figure 1). However at the local level, operational EGTC projects like "Hôpital de Cerdagne" and "Espace Pourtalet" in the Pyrenees (Séchet & Keerle, 2010), are rare. Hôpital de Cerdagne is a uni-thematic (medical) and local project. There exist local cooperations in the Alps that are more thematic like the "Espace Mont-Blanc" and the "Alpi-Maritime-Mercantour".

This cross-border research is primarily based on documentary work complemented by fieldwork. The French, Italian and Swiss archive documents, to which the authors had access, allowed the history of each cross-border cooperation to be traced, and to understand the context of their creation and development. These written sources consisted mainly of correspondence between cross-border actors and account records of border meetings. Strategic and programming documents and technical reports were studied and analysed in order to derive comparisons between them. Regarding the last INTERREG program, especially in the case of Alcotra (France - Italy), the two cross-border cooperations studied undertook their actions using the PIT (Plan Intégré Transfrontalier) programme, which helped facilitate the comparison. In addition, semi-directed interviews were conducted with the main

⁸ Karlsruhe agreement signed in 1996 between France, Luxembourg, Germany and Switzerland

stakeholders and also with those keeping the INTERREG records, as well as experts from the Mission Opérationnelle Transfrontalière (MOT)⁹. From these sources, a simple thematic categorical analysis was carried out.

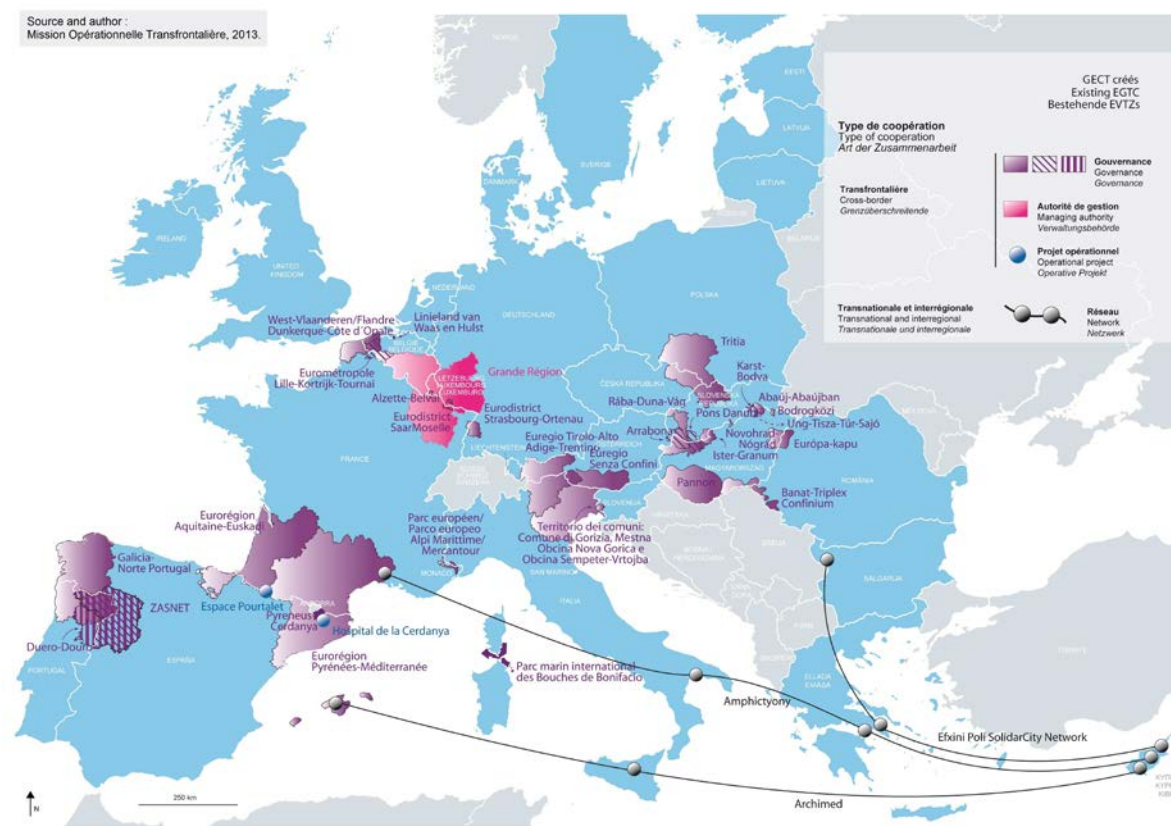


Figure 1. Map of existing EGTCs

Source: Mission Opérationnelle Transfrontalière, 2013

4. THE CONTRASTING RESULTS OF THE TWO CASE STUDIES (Figure 2)

The first mountainous area studied is the Alpi-Marittime-Mercantour on the Franco-Italian border. The French side of the Mercantour massif is protected by French institutional framework: the Mercantour National Park (Laslaz, 2005). The Italian side is protected by Parco Naturale Alpi-Marittime¹⁰. In these parks there are protected species, flora and fauna only existing in Europe¹¹. These two parks, based on the same mountain, have been twinned since 1987. In this case, transnational relations already existed for centuries and collaboration between the two institutions has been taking place for many years. As a result, the creation of an EGTC further strengthens the existing relations between the franco-italian sides of the Alps.

⁹ <http://www.espaces-transfrontaliers.org/en/>

¹⁰ Nanni Villani (edited by), Alpi Marittime, Mercantour : un mondo senza frontiere, un monde sans frontières. Parco Naturale delle Alpi Marittime : Parc National du Mercantour, 2006.

¹¹ <http://www.mercantour.eu/>, <http://fr.marittimemercantour.eu/>, <http://www.parcoalpimarittime.it/news/48/nato-il-parco-naturale-europeo-alpi-marittime-mercantour>

Initially, the two national parks were not formed under similar circumstances. For instance, although the creation of a national park did not pose a problem in Italy, in France there were a lot of opponents to the Mercantour National Park. This opposition continues to this day. Moreover, the presence and perception of the border has a significant impact on cross-border cooperation (Bergamaschi, 2012).

In principle, the territory of cooperation should be simple as it corresponds to a combined perimeter of the two parks. However, the actual geographical perimeter of the French National Park has shrunk due to absence of signatures from several municipalities on the new 2013 Charter. Indeed, seven French towns have not agreed to the Charter and as such do not fall within the perimeter of the protected area. Concerning the towns situated on the Italian side, they have not even been included inside the Park perimeter. Despite the above problem, the two parks are considered to be part of the territory of the cooperation.

Therefore cross-border collaboration is restricted to the fundamental goals of these two Parks that involves environmental and cultural protection and promoting tourism. As the territory and domains of action were clearly defined, the actors of cross-border cooperation are easy to identify and the cross-border governance is simple to organise. Moreover, with time, the actors concerned have developed patterns of working together. French and Italian actors meet regularly to lead cross-border projects. Nevertheless the act of cooperation is not homogeneous throughout the territory. In cross-border valleys, working collaboratively should be more intensive than in other areas, hence we must consider the concept of the “border effect” in our analysis.

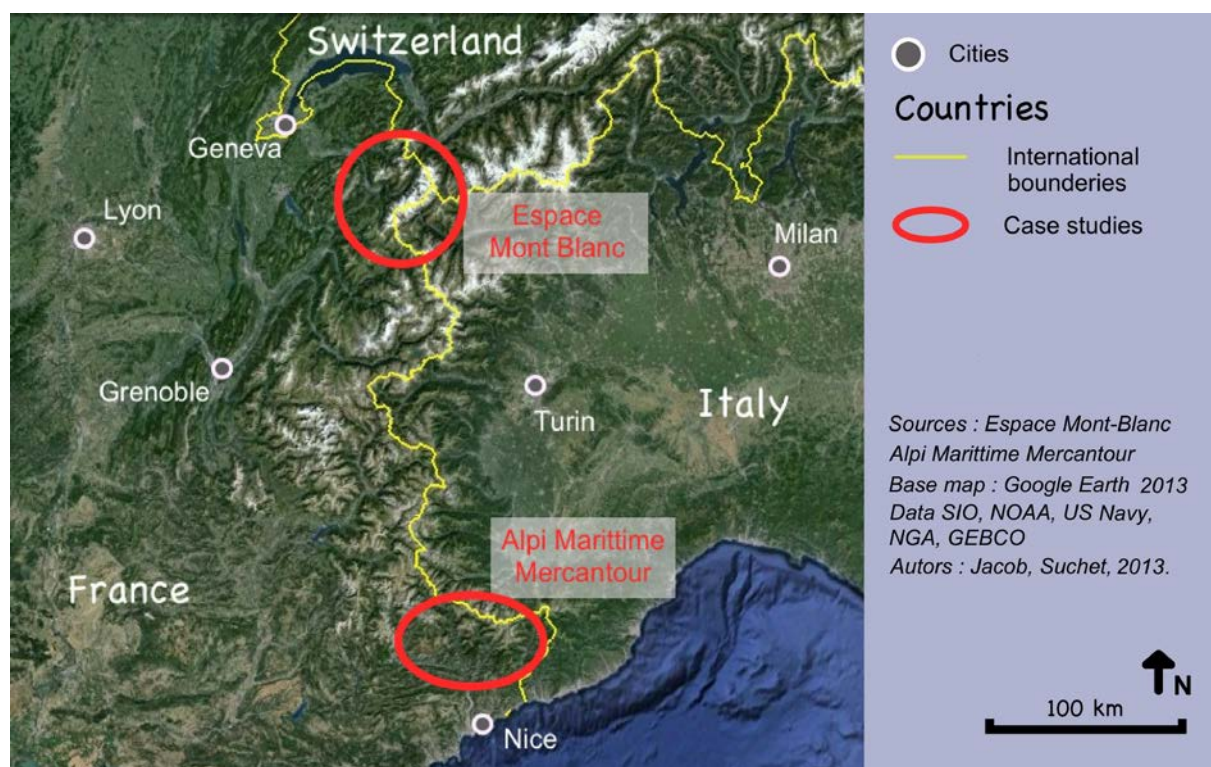


Figure 2. Alpi-Maritime-Mercantour and Espace Mont-Blanc situation map.

Source : compiled by the authors

The second case is more complicated but it allows us to identify and discuss the role of each discipline that contributes to the cross-border actors. Espace Mont-Blanc is a unique case in the Alps because of its Franco-Italian-Swiss border location (Moullé, 2002, 2003; L'Harpe de, 2005). The Conference of the Espace Mont-Blanc was created in 1991, which brought

together thirty-five indigenous authorities (the smallest territorial unit) from the three states ranged by Mont-Blanc area. Today, however, the number of authorities involved is not static, as not all authorities participate in every project. Additionally, there are times when other towns, who are not part of the original Espace Mont-Blanc grouping, participate in projects. The question of defining the perimeter of the cross-border cooperation is fundamental but it remains unresolved because it is variable depending on the projects and actions being undertaken. Each town contributes according to its needs and desires. This spirit is difficult to reconcile given the strict framework of the EGTC. This remains a problem for the future of the cross-border cooperation and we will discuss it later on in the paper.

Initially, Espace Mont-Blanc had the protection of nature and sustainable development as its main objectives. The Conference also has the ambition to develop social-economic actions and transport actions¹². Measures to support mountain farming are necessary for landscape conservation as it helps to market and sell local products, develop environmental education actions, and produce employment and training policies.

Cross-border, multi-level governance has existed from the start as a formal system (Moullé, 2003), but its institutionalisation has not been successful. The legal situation is very complex with tri-national cross-border cooperation, particularly within Switzerland as it is not a member of the European Union. From 2010, the stakeholders involved decided to create their EGTC, and many questions have since been raised: firstly those concerning jurisdiction emerged, secondly geographical questions and finally political ones. The European regulation has not provided a perfect basis for cooperation and it will be simplified and improved in 2014. Strictly legal issues have been relatively “easier” to deal with than the others, as they tend to be technical.

The Alpi-Marittime-Mercantour cooperation has been running smoothly for some time now, resulting in rich experiences. Espace Mont-Blanc cooperation was born out of the conviction of the Environment Ministers of the three nations concerned. The willingness to cooperate has been an essential element to the creation of the cross-border Conference. Three studies have defined the limits of the cooperation area and its priority actions and objectives.¹³

The summary of these case studies is provided in Table 1. In both cases, there are four distinguishing similarities. The first is the development of cross-border projects linked to a European funding opportunity (INTERREG). The second is the fact that both projects were built before the cooperation structure was institutionalised, even if the Espace Mont-Blanc had always sought to find a solution for simplifying legal and administrative dimensions. Thirdly, both need a common management structure to ask for classification within the UNESCO’s World Heritage system.

Finally, for both cross-border cooperations, the preservation and conservation of the landscape, mainly at the heart of the high mountains, was their primary objective. The secondary objective of economic development is interesting when viewed from the point of view of the cross-border cooperation as it is an opportunity to create new relationships and where the opportunities for innovation are found. In both cases, the EGTC is created or wants to be created with the ambition of being nominated as a World Heritage area. In the case of Alpi-Marittime-Mercantour, the classified area is greater than the EGTC as it includes parts of

¹² Schéma de développement durable (SDD) adopted by Espace Mont-Blanc in 2006, <http://www.espace-mont-blanc.com/>, <http://pit.espace-mont-blanc.com/>

¹³ Vers un Espace Mont-Blanc. Bilan et perspectives. Proposition pour une étude de faisabilité., Communauté d’étude pour l’aménagement du territoire, december 1999, Switzerland.

Etude préliminaire pour la sauvegarde du milieu ambiant de la zone Mont-blanc, Regione Autonoma Valle d’Aosta, Espace Mont-Blanc, august 1991, Italy

Espace Mont-Blanc, Etude préliminaire, Bureau d’étude urbanisme et développement régional, october 1991, France.

the Mediterranean Sea. The stakes are much higher with this case than that of a cross-border cooperation.

Table 1. Summary of the two case studies

	Alpi-Marittime-Mercantour	Espace Mont-Blanc
Borders	Franco-Italian	Franco-Italian-Swiss
Creation-context	1987 twinning two national Parks	1992 creation of the "Mont-Blanc" cross-border Conference 1995 GLCT project
Field of action	Protection/conservation sustainable development tourism	Environment, sustainable development, economic development, tourism, energy, transport, employment
Actor types	Parks (Parks agents), public stakeholders	Public stakeholders at different levels, private actors: associations, foundations.
Institutionalization process	EGTC created in 2013	EGTC project since 2010
Governance	Formal ++ / Informal +	Formal +/ Informal +++
Last action programme	PIT (Plan Intégré Transfrontalier) Alcotra 2007-2013	PIT Alcotra 2007-2013
Programming strategy documents	-Plan d'action commun 2011-2015	-PIT Alcotra 2007-2013 -Stratégie d'avenir 2014-2020 -Schéma de Développement Durable SDD 2006

PIT: a cross-border integrated plan funded by the INTEREG programme, especially in Alcotra (France-Italy). Switzerland has participated in funding PIT Espace Mont-Blanc.

An EGTC is the appropriate solution and best compromise given the stated aims of these areas. Cross-border cooperation seeks to reinforce its visibility at the local, national and European level. It ensures an institutional and territorial anchor necessary to develop cross-border territorial projects. The EGTC is also considered a "marketing tool" and a great "communication channel". The creation of the EGTC Alpi-Marittime-Mercantour signifies for the general public the establishment of a single Park, the "First European Park". However, this name is not accurate as the two national parks continue to exist independently of one another.

The levels of government in each country differ from each other. This configuration is particularly complex when you have three states like in the Espace Mont-Blanc, with specific constitutions: the Swiss federal state with autonomous cantons, the Italian regionalism with autonomous regions and the French decentralisation with regions, departments and municipalities. Although there are provinces in Italy, both Italy and Switzerland have no government level equivalent to French departments. This leads to an asymmetric multi-scalar system which raises a number of new questions: how do jurisdictional areas and administration/political structures, affect the spatial definition of their governance areas? Conversely, how do new forms of governance take into account the functional demands for cooperation exceeding existing borders? Additionally, how do these new forms of governance take into consideration the functional organisation (spatial dimension) of cross border territories and institutional levels (public power)? Furthermore, these multi-level governments need to consider the different types of public and private actors involved in the process.

Answering the question of finding a good spatial perimeter for cross-border cooperation is not simple. It is necessary to understand the political/administrative structuring and the spatial organisation of the territory. The territorial restructuring of the cross-border cooperation is a continuous process and is constrained by the mountains, particularly the Alps, which are barriers as well as passages at the same time. For example, in winter some roads are closed,

thus any cooperation must adapt to the specific constraints of topography and climate. The restructuring of socio-spatial relations and networks reflect their own unique situations, which are very different in nature from metropolitan cooperation like the cross-border cooperation in the city of Geneva.

Although mountains are located away from urban areas, these cities should not be overlooked as they play an important role in the structuring of border areas. The classic centre-periphery relationships are interesting as the periphery is often studied from the centre. However, in the case of cross-border cooperation, the inverse relation of the centre-periphery presents a heuristic interest as it corresponds to the bottom-up process of cross-border cooperation. The territorial approach is functional as it takes into account exchanges, flows and relations across the borders and is normally based on quantitative data. However, this approach is restrictive and suffers from a lack of data thus it cannot be successfully applied to the two cases presented above. For example, after twenty year of existence, the Espace Mont-Blanc has finally in 2013 created the Mount-Blanc Observatory, as a cross-border information and evaluation tool that uses common indicators. The aim is to possess a global vision of its area to facilitate the construction of a common cross-border policy.

5. CONCLUSION

The spatial dimension is a common subject in law and geography, it is evident why it is more common in geography than in law, however, legal rules have a spatial registration. Our objective was to show the role of the legal discipline in analysing cross-border cooperation. The legal framework represents an indispensable tool in the service of territorial thinking but it cannot be a starting point for the development of cross-border relations. The law cannot just produce an administrative and border framework, it also has to be adaptable to suit functional spaces. In the case of cross-border cooperation, the issue of creating a clear definition of the perimeter for cooperation is fundamental and the law cannot fully answer this question. Many geographical factors have to be considered, including heritage or the perception of the border in defining the perimeters for the cross-border cooperation (Bergamaschi 2012). In simple terms, the resultant solutions do not only concern the law but also territorial or geographical dimensions; the burning question is how to define the social, political and spatial boundaries of successful cross-border cooperation.

At the beginning of this analysis, we pointed out the importance of legal expertise to cross-border cooperation. But legal competence is only one of the factors we need to consider. Thus, we should also question what role should be played by geographers? The geographer can answer the questions of “where, when, why” and provide coherence among different disciplines in situations where they need to be brought together. Geographers can suggest ideas and provide future possibilities on how to wisely organise actions. Comparative approaches from a geographic perspective mainly focus on the question of structural/functional or spatial integration. From a political perspective, comparative approaches help understand political coordination and governance. Thus, for example, the existence of cross-border functional areas is not sufficient to ensure the creation of cross-border territories. They should be the subject of a political and institutional project. A political dimension is also important as it considers the relative roles in the bottom-up and top-down process in the dynamics of European integration. It is concerned with institutionalisation processes that are negotiated among relevant actors to ensure interests on both sides of a border are served.

Finally, the contribution of law is simple but nevertheless fundamental. We did not distinguish between the disciplines of law and geography as we believe that both provide answers to cross-border issues mutually as well as independently. Our study is recorded in the

current "critical legal geography" which provides a greater dialogue between the two disciplines as well as displaying complementarity (Forest 2009) or decompartmentalized disciplines.

The main limitation of this work is due the fact that this field study is limited to two case studies. The results do not allow us to draw general conclusions, but they offer some promising possibilities for future work. In fact, these studies are part of a broader, multidisciplinary research project that focuses on both the institutionalization of cross-border cooperation and processes of "territorialisation" as well as the aspects of cross-border governance.

ACKNOWLEDGEMENTS

This work was supported by French state funds managed by the ANR within the Investissements d'avenir program under reference ANR-10-LABX-50-01 and by European research project EUBORDERSCAPES. We would also like to thank Krithiga Satkunarajah, Wembo Hu and Florent Cholat for their help with this paper.

REFERENCES

- Amilhat-Szary, A.-L. & Fourny, M.-C. Eds. 2006. *Après les frontières, avec la frontière. Nouvelles dynamiques transfrontalières en Europe*. La Tour d'Aigues: L'Aube.
- Bages Bechade, S. 2003. L'Europe soutien du développement des relations transfrontalières. In F. Bartczak & J. Rage. Eds., *Les Pyrénées entre deux mondes*. pp. 45-55. Perpignan: Presses universitaires de Perpignan.
- Bataillou, C. 2002. *L'émergence du fait régional au sein de l'Union européenne : la coopération trans-frontière comme stratégie de développement*. Perpignan: Presses universitaires de Perpignan.
- Bergamaschi, A. 2012. Un imaginaire montagnard traversé par la frontière. Le Parc National du Mercantour et le Parco Alpi Marittime. *Migrations et Société*, 24(140), pp. 243-254.
- Bitsch, M.-T. 2008. *Histoire de la construction européenne de 1945 à nos jours*. Bruxelles: Complexe.
- Blomley, N. 1994. *Law, Space and the Geographies of Power*. New York: Guilford Press.
- Blomley, N., Delaney, D. & Ford, R. T. Eds. 2001. *The Legal Geographies Reader: Law, Power and Space*. New York: Wiley-Blackwell.
- Bourgault, J. & Lapierre, R. 2000. *Horizontality and Public Management*. Final Report. École nationale d'administration publique. Québec.
- Broggio, C. 2002. La politique de la montagne en France. Représentations, discours et montagne. *Hérodote*, 107, pp. 147-158.
- Cavaillé, F. 2009. Quelle interdisciplinarité entre la géographie et le droit ? Vers une géographie juridique ? In P. Forest. Ed., *Géographie du droit : Epistémologie, développement et perspectives*, pp. 45-67. Québec: Presses de l'université Laval.
- Cole, A. & Pasquier, R. 2012. The impact of European integration on centre/periphery relations. A comparison France/United-Kingdom. *Politique européenne*, 36, pp. 160-182.

- Comte, H. & Levrat, N. Eds. 2006. *Aux coutures de l'Europe. Défis et enjeux juridiques de la coopération transfrontalière*. Paris: L'Harmattan.
- Debarbieux, B. 1997. La montagne comme figure de la frontière : réflexions à partir de quelques cas. *Le Globe*, 137, pp. 145-166.
- Debarbieux, B. Ed. 2001. *La montagne : un objet de recherche ?* Special issue of the *Journal of Alpine Research/Revue de géographie alpine*, 89(2).
- Debarbieux, B. & Rudaz, G. 2010. *Les faiseurs de montagne*. Paris: CNRS Éditions.
- Denéchère, Y. & Vincent-Daviet, M.-B. Eds. 2010. *Vivre et construire l'Europe à l'échelle territoriale de 1945 à nos jours*. Bruxelles: Peter Lang.
- Dressler-Holohan, W. 1992. La politique européenne de coopération régionale transfrontalière et les modalités de son application dans le cadre français. *Espaces et sociétés*, 70-71, pp. 113-154.
- Fall, J. 2002. Divide and rule: constructing human boundaries in 'boundless nature'. *GeoJournal*, 58(4), pp. 243-251.
- Fall, J. 2005. *Drawing the Line. Nature, Hybridity and Politics in Transboundary Spaces*. Burlington: Ashgate.
- Fourny, M.-C. & Crivelli, R. 2003. Cette montagne que l'on partage. Frontière et montagne dans les coopérations transfrontalières de régions alpines. *Journal of Alpine Research/Revue de géographie alpine*, 91(3), pp. 57-70.
- Gerbaux, F. 1994. *La Montagne en politique*. Paris: L'Harmattan.
- Holder, J. & Harrison, C. Eds. 2003. *Law and geography*. Oxford: Oxford University Press.
- Jacob, L. 2011. *La coopération transfrontalière en matière environnementale : l'exemple de l'Espace Mont-Blanc*. Unpublished Master thesis, University of Grenoble, Grenoble.
- L'Harpe de, A. 2005. *L'espace Mont-Blanc en question*. Paris: L'Harmattan.
- Laslaz, L. 2005. *Les zones centrales des Parcs Nationaux alpins français (Vanoise, Ecrins, Mercantour) : des conflits au consensus social ? Contribution critique à l'analyse des processus territoriaux d'admission des espaces protégés et des rapports entre sociétés et politiques d'aménagement en milieux montagnards*. Unpublished Ph. D thesis, University of Savoie, Chambéry.
- Laude, B. 2004. *L'Europe en construction depuis 1945*. Paris: Ellipses.
- Mabry, T. J., McGarry, J. & O'Leary, B. Eds. 2009. *Divided Nations and European Integration*. Philadelphia, PA: University of Pennsylvania Press.
- Maccaglia, F. & Morelle, M. Eds. in press. *Pour une géographie du droit : un chantier urbain*. Special issue of *Géocarrefour*.
- Mauz, I. 2011. Le renouveau des inventaires naturalistes au début du XXI^e siècle. *Quaderni*, 76, pp. 13-23.
- Melé, P. 2009. Pour une géographie du droit en action. *Géographie et cultures*, 72, pp. 25-42.
- Moullé, F. 2002. L'Espace Mont-Blanc (EMB), une stratégie décentralisée de maîtrise d'un espace transfrontalier. *Mosella*, 26(3-4), pp. 99-107.
- Moullé, F. 2003. *Dynamiques transfrontalières et identités territoriales. L'exemple des Alpes de Savoie, de la Suisse Romande et du Val d'Aoste*. Villeneuve d'Ascq: Presses universitaires du Septentrion.

- Peters, B. G. 1998. Managing Horizontal Government: The Politics of Co-Ordination. *Public Administration*, 76(2), pp. 295-311.
- Scott, J. W. 2012. European Politics of Borders, Border Symbolism and Cross-Border Cooperation. In T. M. Wilson & H. Donnan. Eds., *A Companion to Border Studies*. pp. 81-99. New York: Wiley-Blackwell.
- Scott, J. W. Ed. 2006. *EU Enlargement, Region Building and Shifting Borders of Inclusion and Exclusion*. Burlington: Ashgate.
- Séchet, R. & Keerle, R. 2010. Le projet d'hôpital commun transfrontalier de Cerdagne : des difficultés de la coopération transfrontalière en matière de santé dans un contexte pourtant favorable. *Annales de Géographie*, 119(675), pp. 536-559.
- Velasco-Graciet, H. & Bouquet, C. Eds. 2005. *Tropisme des frontières. Approche pluridisciplinaire*. Paris: L'Harmattan.